DOCUMENT RESUME

ED 025 032 EA 001 849

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Oregon Univ., Eugene. Center for Advanced Study of Educational Administration.; Oregon Univ., Eugene. ERIC Clearinghouse on Educational Administration.

Pub Date 68

Note- 3p.

Journal Cit- r & d perspectives; p4-6 Fall 1968

EDRS Price MF-$0.25 HC-$0.25

Descriptors- *Administrative Personnel, Board of Education Role, *Collective Negotiation, Grievance Procedures, Higher Education, *Literature Reviews, *Public Education, State Legislation, Superintendent Role, *Teacher Associations, Teacher Militancy

This literature review examines current documents on collective negotiations in education that were processed by the Clearinghouse on Educational Administration. Principal topics discussed are negotiating procedures, the role of the superintendent, teacher organization-school administrator relations, causes of teacher militancy, negotiation laws, and collective negotiations in higher education. (TT)

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

ERIC/CEA Research Review

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Collective Negotiations in Education

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ED025032

Editor's Note: *ERIC/CEA Research Review* will appear regularly in the ERIC/CEA portion of *r & d perspectives* beginning with this issue.

With teacher militancy on the rise across the country, primarily in the public schools, but increasingly in colleges and universities, a growing number of school superintendents and boards of education as well as college presidents and boards of trustees will be faced, most for the first time, with the difficult and demanding task of negotiating collectively with teachers or their organizational representatives. Traditionally, many educators have looked to research for answers to problems faced in the "real world" of educational administration. But because collective negotiations in education are such a recent development, there is at present a relative dearth of research in this area. In the last three or four years, however, a few excellent books have been published and some studies completed which deal with problems of collective negotiations in education.

It is the aim of this review to examine current studies on collective negotiations, focusing particularly on material dealing with negotiating procedures, the role of the superintendent, teacher organization-administrator relations, causes of teacher militancy, negotiation laws, and collective negotiations in higher education. Also included is a brief discussion of a critical review of six recent books on collective negotiations completed by this Clearinghouse last winter. The documents reviewed here were selected from those received and processed at this Clearinghouse, many of which are available from the ERIC Document Reproduction Service. Complete instructions for ordering these documents are given at the end of the review.

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Negotiating Procedures

Robert E. Doherty[1] suggests that the two critical issues related to collective negotiations are the determination of who shall be included in the bargaining unit and what role should be followed in the actual election of association or federation representatives. Only six states—California, Connecticut, Michigan, Oregon, Washington, and Wisconsin—had enacted legislation by 1965 which in varying degrees define unit determination election procedures. In four specific instances third parties have served as neutral moderators to suggest how the negotiating parties should proceed with respect to these two issues, including the place for polling, method of balloting, number of polling places, determination of the election winner, and post-election rules for re-petitioning by the losing organization.

To study the viability of collective negotiations at the local level as a means for determining wages and working conditions of public school teachers, Michael H. Moskow[2] conducted interviews with superintendents and teachers from a selected sample of 16 school districts, drawn from a nation-wide list of 108 districts with histories of collective negotiations. Six common features of collective negotiations were found to be particularly related to public education: exclusive recognition, appropriate bargaining unit, joint decision making power, scope of bargaining, and written agreement. These six features were studied with respect to (1) reasons for development of the feature in the private sector, (2) functional appropriateness in public education, and (3) modification necessary for viability in the public education environment. Moskow concluded that a modified form of local-level collective bargaining is viable in public education.

With the aim of providing a frame of reference for school personnel and educational associations to establish and improve grievance procedures, a survey of school systems with enrollments of 12,000 or more for the 1965-66 school year was conducted by Marsha A. Ream and Donald P. Walder[3] to determine the type of negotiating procedure, number of processings, personnel covered, and dissemination of the policy. The study includes excerpts from formal grievance procedures which provide examples of nearly every type of revision or element found in school system-established grievance procedures. A 101-item bibliography on grievance procedures is also included.

The Role of the Superintendent

The role of the superintendent in collective negotiations has been the subject of several recent studies. Walter W. Scott[4] studied 98 superintendents in 469 schools in seven midwestern states and found little agreement among superintendents on their appropriate role in relation to teachers and boards of education. The superintendent may serve as negotiator for the board, spokesman for the teachers, mediator for both, or may be completely independent.

Roy B. Allen[5] sees the superintendent's role in collective negotiations as continuing to lack definition until the role of teacher organizations is more clearly defined. According to Allen, the view that superintendents represent management and that teacher organizations represent labor jeopardizes the superintendent's role as the educational leader of the school district. In the future, the superintendent's role in collective negotiations will take one of three forms: (1) Superintendent uninvolved, with negotiation carried on directly by teacher organization representatives and the board of education, (2) superintendent acting as board of education representative and negotiating with teacher organization representatives, and (3) superintendent serving primarily as a consultant with representatives of the board of education and the teacher organizations.

A superintendent sharing responsibility with teachers and school boards based on common goals and interests is viewed by the American Association of School Administrators (AASA)[6] as the most appropriate role for the superintendent with regard to collective negotiations. AASA also views the superintendent's role as being that of an active participant in the cooperative process of policy development as it affects the teaching staff in the school system's operation.

Archie R. Dykes[7] predicts that the superintendent's role will become more political in character, especially with respect to policy formulation and the securing of sufficient public support. As a consequence, the superintendent will assume a more important role in relations with teacher groups and will focus his relationships with teachers upon cooperative goal establishment, replacing orthodox administrative ideology with a more democratic ideology.

Ted Urich[8] investigated the amount of agreement existing among superintendents, school board members, and teachers from rural, urban, and central school districts concerning the role of the superintendent in the collective negotiation process. Twenty school districts participated in the study. These districts were divided into categories of central city (greater than 50,000 inhabitants) urban (2,500-50,000 inhabitants) and rural (less than 2,500 inhabitants). Twenty superintendents, 20 board members

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and 40 teachers in these districts were asked to respond to 60 statements relating the superintendent to his role in collective negotiations and to the scope and structure of the negotiation process. Two groups were identified: Factor A, those from urban and rural school districts; and Factor B, those from central school districts. Factor A was reluctant to accept the responsibility for developing a quality education program and undecided about the teacher organizations being a mechanism to accomplish improvements in working conditions. The Factor B group indicated a greater perception and understanding about the more crucial issues in the collective negotiation process and was willing to take a stand on those issues.

Teacher Organization-School Administrator Relations

A 1966 study by Wesley A. Wildman[9] of 6,000 of the nation's largest school systems (1963-64 enrollments of 1,200 or more), indicated that 45 percent of the districts acknowledged a formal relationship between teacher organizations and school administration, with guidelines established for negotiations regarding salaries and working conditions. However, although both the NEA and AFT regard commitment to a mutual agreement as a critical factor in establishing a negotiating relationship, only 36 of the 419 written policy agreements analyzed (8.5%) were jointly signed; the rest were products of unilateral board action.

David R. Cave[10] studied 10 Michigan school districts to test the hypothesis that clashes between school administrators and teacher unions are due largely to the conflicting views of the superintendent's leadership role as described by the superintendent himself, by the school board, and by members of teacher organizations. According to the leader-behavior description questionnaire (Halpin's) administered, respondents of all three groups defined ideal and real administrators in similar terms on a scale of 12 leader-behavior dimensions. The leader-behavior traits contributing most to superintendent and teacher organization confiict were consideration, initiation of structure, integration, demand reconciliation, tolerance of freedom, and production emphasis.

According to R. Oliver Gibson[11] mutual rejection of teacher organization's and school board's ideologies leads to a firm polarization of the respective groups' positions. This makes negotiations on specific issues difficult at a time when workers are demanding an increasingly high return in the exchange process of rights and duties serving system goals and individual needs. Gibson theorizes that a satisfactory solution to the teacher-work relationship problems will result when the school board and the teacher organization are viewed as separate systems interacting through a negotiation subsystem.

Causes of Teacher Militancy

Ronald W. Glass[12] studied the causes of teacher strikes in 1966 and in the first quarter of 1967, and concluded that in contrast to industrial strikes which typically arise from an impasse in negotiations, many teacher strikes took the form of protest to the public or to the legislature rather than to school authorities.

Robert E. Doherty[13] found that the bilateral determination of school policy in public education is rapidly becoming the norm as collective negotiations between teacher associations and school boards grow on both local and state levels. Factors influencing this trend include the contest between NEA and AFT affiliates to be the sole representative of teachers in their dealings with school boards, the increasing bureaucratization of consolidated school units, and the changing character of the teaching staff, with career-oriented males becoming predominant.

In a study of teachers, school boards, and collective negotiations by Robert E. Doherty and Walter E. Oberer,[14] the authors conclude that the increase in demand for formalized employment arrangements with local school boards is due to a proportionate increase in the number of male teachers, low salaries, unsatisfactory working conditions, the mounting frustrations of public school teaching, and growing competition between the two major teacher organizations.

Charles E. Rehmus[15] sees teacher organization negotiations as having resulted from the desire of teachers for greater security or control over their working conditions and for elimination of employer discrimination in discussions affecting teachers.

According to Robert E. Ohm,[16] collective activity by teachers is attributed to their increased professionalization and is regarded as an organizational response generated by a merging managerial-professional-bureaucratic discontinuity in school organization.

Negotiation Laws

In a brief historical review of state laws related to collective bargaining between teacher associations and school boards, Robert E. Doherty[17] makes six suggestions for components of a model for the enactment of state legislation on collective negotiations: (1) guaranteeing teachers the right to join the organization of their choice and obligating local school boards to bargain with teacher representatives, (2) exclusive representation by a single teacher association, to be determined by a secret ballot election, (3) local determination of the agency to administer the election, with inclusion of supervisors in the bargaining unit contingent upon teacher as well as supervisor approval, (4) exclusion of all public employees except those directly related to the educational enterprise, (5) scope to include an unrestricted latitude of working conditions and professional matters, and (6) impasse settlement through advisory arbitration.

Fred W. Rausch[18] studied the laws of 17 states which have statutes on collective negotiations and concluded that the two main aspects of negotiations covered are statutory provisions relating to designation of bargaining agents and statutory provisions relating to conduct of negotiations. A bibliography is included which cites (1) the statutes and constitutions of the 17 states, (2) 32 court cases, (3) attorneys generals' opinions from five states, and (4) 21 law review articles.

Jerry Hart,[19] in studying the enactment of state legislation concerning collective negotiations, views the comprehensive statutes enacted by Connecticut and Washington as models clarifying negotiable items and providing for impasse resolution by means of educational channels. Provisions for teacher collective negotiation in Michigan, Wisconsin, and Connecticut are outlined as models for future legislation.

Henry E. Butler[20] states that traditional legal authority of local boards of education to make unilateral policy decisions is giving way to a diverse set of negotiation procedures based more upon discretionary action of local boards than upon legislation. Butler predicts that boards of education will engage more frequently in collective negotiations, both by voluntary action and by pressures exerted against them. Butler finds the unresolved issues concerning legal implications of collective negotiations as including whether state legislation should be enacted to insure collective negotiations by teachers and whether such legislation should apply to all public employees or whether public school personnel should be treated as a special category. Finally, Butler predicts that legal developments concerning collective negotiations by public school teachers will be especially influenced by vigorous action by public school administrators and boards of education.

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Collective Negotiations in Higher Education

To determine causes of faculty demands for negotiations, a six-member task force headed by Arnold R. Weber[21] collected data from 34 institutions of higher education across the nation and from representatives of faculty organizations. Findings of the study indicated that causes of unrest include tensions between faculty and administration regarding faculty power, professionalism, levels of bureaucracy, and loss of authority. The study recommends development of the concept of shared authority for institutional policies, utilizing the abilities and roles of both faculty and administration as complementary participants in the decision making process.

Review of Recent Literature

In a review of current literature on collective negotiations in education, Stuart C. Smith[22] discussed six recent books by such authors as Myron Liebermann, Michael H. Moskow, Stanley M. Elam, Robert E. Doherty and Walter E. Oberer. Among the areas discussed are negotiation history, teacher organizations, negotiable issues, strikes and sanctions, relevance of the private sector, administrator membership in teacher organizations, superintendent role in negotiations, and the future of negotiations.

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A "Selected Bibliography on Collective Negotiations," including books, dissertations, and journal articles, was compiled by Philip Piele and published by ERIC/CEA in January, 1968. It is available from the Clearinghouse on request.